

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

UNITED STATES OF AMERICA

Plaintiff

v.

Civil No. _____

Certain visual depictions of nude minors; and

Certain DVDs, photos, movies, brochures,
and other materials containing certain visual
depictions of nude minors; and

Six computers containing certain visual
depictions of nude minors,

Defendants

VERIFIED COMPLAINT FOR FORFEITURE *IN REM*

Now comes the plaintiff, United States of America, by and through its attorneys, Nancy S. Healey, Assistant United States Attorney, and Damon A. King, Deputy Chief and Senior Litigation Counsel, Child Exploitation and Obscenity Section, U.S. Department of Justice, and brings this complaint and alleges as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

NATURE OF THE ACTION

1. This is a civil action *in rem* brought to forfeit and condemn certain personal property assets to the United States pursuant to 18 U.S.C. § 2254, as these assets were produced, transported, mailed, shipped or received in violation of 18 U.S.C. § 2252 and/or 2252A, and/or

were used or intended to be used to commit or to promote the commission of a violation of 18 U.S.C. § 2252 and/or 2252A.

THE DEFENDANTS *IN REM*

2. The defendants consist of certain personal property assets, which were seized from the business address of IVC, Inc., Los Angeles, CA, on or about December 19, 2006, which are presently located in California and Virginia, more particularly described as:

- A. All series of images that include visual depictions of nude minors, some of which constitute child pornography
- B. Approximately 450 films depicting nude minors, some of which constitute child pornography
- C. Approximately 113 boxes of Arcade brochures containing promotional material, including visual depictions of nude minors, some of which constitute child pornography
- D. Approximately 600 still images of nude minors, some of which constitute child pornography
- E. Six Computers, and all visual depictions of nude minors contained within, described as follows:
 - (1) Personal Computer, "Dell Precision 410", Model MMP, Serial No. SV3U2;
 - (2) Personal Computer, black tower, unknown serial/model Nos;
 - (3) Personal Computer, tan tower, unknown serial/model Nos.;
 - (4) Personal Computer, "Dell Dimension 8400", Model No. 8400, Serial No. 53BL7R61;
 - (5) Personal Computer, tan tower, unknown serial/model Nos.;
 - (6) Dell Laptop computer, Model No. PP04X S/N CN-OJF240-48643-658-2636

JURISDICTION AND VENUE

3. This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a).

4. This Court has *in rem* jurisdiction over the defendant property under 28 U.S.C. § 1355(b).

5. Venue is proper in this district pursuant to 28 U.S.C. §1355(b)(1)(A) because the acts giving rise to this forfeiture occurred in this district and pursuant to 18 U.S.C. § 981(h) because a criminal prosecution against the owner of these assets was brought in this district.

BASIS FOR FORFEITURE

6. The defendant property is subject to forfeiture pursuant to 18 U.S.C. § 2254, as these assets were produced, transported, mailed, shipped or received in violation of 18 U.S.C. § 2252 and/or were used or intended to be used to commit or to promote the commission of a violation of 18 U.S.C. § 2252.

FACTS

7. The facts are stated in the attached Affidavit of United States Postal Inspector M.C. Glenn Aldridge, and are incorporated by reference. Although the United States intends to rely upon some of the same evidence presented in the case of United States v. Eisenlohr, which resulted in an acquittal, the burden of proof in a civil forfeiture proceeding is preponderance of the evidence.

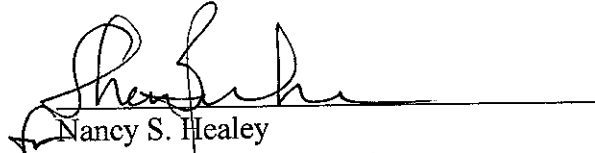
WHEREFORE, the United States prays that due notice be given to all parties to appear and show cause why the forfeiture should not be decreed; that judgment be entered declaring the defendant property to be condemned and forfeited to the United States of America for disposition according to law; and that the United States of America be granted such other and further relief

as this Court may deem just and proper, together with the costs and disbursements of this action.

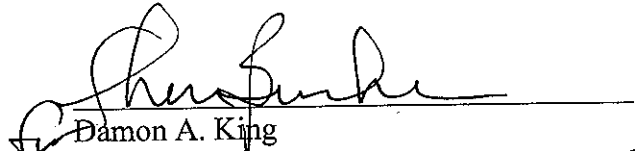
TRIAL BY JURY is hereby demanded.

Respectfully submitted,

JULIA C. DUDLEY
United States Attorney
Western District of Virginia



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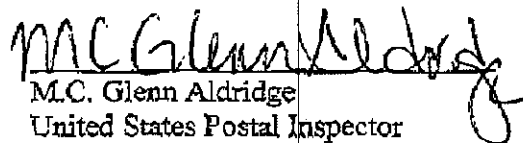
DATE: October 2, 2009

VERIFICATION

I am a Postal Inspector with the United States Postal Service and am the agent assigned to this case. I have read the contents of the foregoing complaint for forfeiture, and the statements contained therein are true to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 2 day of October, 2009


M.C. Glenn Aldridge
United States Postal Inspector